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ABSTRACT

Seven modules about aspects of growing up in America are presented for incorporation into 11th grade social studies curricula. Content covers a variety of issues spanning a time period from America's colonial history through the present. Each module suggests discussion questions based on primary sources. Module one explores dimensions of religious freedom as set forth in documents such as the Pennsylvania Charter of Privileges (1701) and the Virginia Statute of Religious Liberty (1786). Module two cites legislation and court cases from the 1960s concerning freedom of religious expression in public schools. Module three compares society's acceptance of women religious leaders in 1848 and 1976. Various opinions of our nation's moral responsibilities are explored in the fourth module, which is based upon writings of Abraham Lincoln, Franklin D. Roosevelt, and Martin Luther King, Jr. Module five examines the effects of mobility upon contemporary family life. A family tree and the story of one family covering four generations are presented. The last two modules explore aspects of children's religious, emotional, and legal ties to their families. (AV)

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MATERIALS FOR USING
AMERICAN ISSUES FORUM
IN THE AMERICAN HISTORY CLASSROOM

MAY 30 1978

TOPIC VIII: GROWING UP IN AMERICA

Developed with a grant from

THE NATIONAL ENDOWMENT FOR THE HUMANITIES

Part II

80 011 150

The University of the State of New York
The State Education Department
Bureau of Secondary Curriculum Development
Albany, New York 12234
1976

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FOREWORD

This set of modules and succeeding sets to be mailed during the school year have been produced in consonance with the program of the American Issues Forum, under a grant from the National Endowment for the Humanities. The classroom strategies are intended to provide suggestions for examining American history in the light of the issues identified by the national committee which proposed the American Issues Forum. In view of the topical nature of the 11th grade social studies program, this can be done without seriously disrupting most teaching programs.

The materials are in fieldtest condition, so that classes and teachers may provide input concerning learning experiences which prove to be most useful. Some assessment of each strategy used by some or all of the students, and suggestions of modifications or substitutions will help the Department produce a final set of strategies which will carry the themes of the American Issues Forum into the future, as we look beyond the Bicentennial year.

The Evaluation Form appears on page iv.

These modules form Part II of 2 parts for the topic, *Growing Up In America*. These coordinate most closely with the Social Studies 11 syllabus, Topic IV, *American Civilization in Historic Perspective*.

Gail F. Hubbard, a former teacher at Ithaca High School, developed these materials, as part of the work being done under a grant from the National Endowment for the Humanities. Donald H. Bragaw, Chief, Bureau of Social Studies Education, is coordinating the project. The manuscript was prepared for publication by Janet M. Gilbert, associate in Curriculum Development.

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EVALUATION FORM FOR
GROWING UP IN AMERICA

Please return this form to the Bureau of Secondary Curriculum Development, The State Education Department, Albany, New York 12234.

1. Classroom strategies used (list by pages)

2. How many students were involved in using this material?

3. Were the reading passages/statistical materials/graphics within the comprehension level of most of the students using them? (list by pages and indicate how satisfactory each was, if a single answer does not apply)

4. Were the suggested questions, and/or the learning strategies interesting and helpful to students in reaching the understandings or developing the desired concepts? (list by pages and indicate how satisfactory each was, if a single answer does not apply)

5. Please suggest substitutions of readings/statistics/graphics which you think would be more appropriate.

6. Please suggest modifications of the learning strategies to make them more effective for more students.

Send descriptions of learning strategies, with references to reading passages, etc., which you have found effective in teaching these same understandings or concepts.

Your signature and school identification is optional; we'd like to give you credit, if we use any of your ideas!

IN GOD WE TRUST: TO THE FIRST AMENDMENT

Guide Questions for Given Materials

Examine the reading on the definition of an Established Church.

- Describe an established church. What is a dissenter?
- What church was established in most southern colonies?
- What church was established in most of New England?
- How did Rhode Island and Pennsylvania differ from the other colonies?

Examine the reading on John Winthrop.

- What was separatism?
- Why was control of separatism in the Puritan Church so difficult?
- Why was control of separatism in the Puritan Church so important?
- How was separatism controlled in the early New England Church?

Examine the actions taken in the Colony of Massachusetts Bay.

- How do these actions fit with the attempts of Massachusetts Bay to control separatism?
- The Charter of 1691 was actually forced on the colony by the government in England. What religion was this charter designed to protect?

Examine the actions taken in the State of Massachusetts.

- Was there still an established church in Massachusetts after the Revolution?
- What action did dissenters have to take in order to be excused from paying a church tax?
- When does the established church in Massachusetts disappear?

Examine the Pennsylvania Charter of Privileges.

- Who was granted freedom of religion under the charter?
- Who could serve in the Government under the charter?
- How do these two regulations differ?

Examine the Limitations on the Right to Hold Office.

- Name the colonies where officeholding was limited to Christians.
- Name the colonies where officeholding was limited to Protestants.
- Which colonies had no limitation?
- What other limitations on officeholding existed?

Examine the reading on Thomas Jefferson.

- Of what three accomplishments in his life is Jefferson most proud?
- How does the Virginia Statute of Religious Liberty protect the freedom of religion and civil capacity? Why is this double protection important?

Examine the First Amendment to the Constitution.

- What is actually forbidden?
- What body is forbidden to act on these matters?
- Why could Massachusetts have an established church until 1833?

Examine Section One of the Fourteenth Amendment.

- How does this Amendment change the application of Amendment One?

Suggestions for Student Contributions

Students might want to visit a religious service other than their own with a friend. Any such decisions should be voluntarily made and credit should not be attached.

Suggestions for Alternate Strategies and Materials

Students might want to do the necessary research in order to compare the organizational structures of several religious groups in the United States. The differences between congregational and hierarchical structures could be noted.

The pamphlet "Religion in the United States" prepared by Sociological Resources for the Social Studies as a part of the Episodes in Social Inquiry Series published by Allyn and Bacon, Inc. includes material that could be used effectively in this section.

An ESTABLISHED CHURCH is a church that is officially recognized and given support as a legal institution by a government.

A DISSENTER is a person who refused to accept the doctrines of an established church.

When the colonists came to Virginia from England, they brought the practices of the established Church of England. The Church of England was the established church of Virginia. By the end of the colonial period, the Church of England was the established church in Maryland, Virginia, North and South Carolina, and Georgia. The Church of England was also established in certain counties in New York and New Jersey. Pennsylvania did not have an established church.

In England, the Puritans were Dissenters who were attempting to change the practices of the Established Church, the Church of England. The Puritans established their Calvinist church as the official legal church, the established church of Massachusetts Bay. This Puritan church was also eventually the established church of Connecticut and New Hampshire. Of the New England colonies, only Rhode Island had no established church.

JOHN WINTHROP

In his chapter, "A Special Commission," from his book *The Puritan Dilemma,* Edmund S. Morgan describes the difficulties facing John Winthrop, the governor of the Massachusetts Bay Colony, as Winthrop attempted to maintain this religiously pure "city on a hill." Morgan states that "the history of Massachusetts during Winthrop's life-time is very largely the history of his efforts to meet the various dangers presented by separatism."

What was separatism? Separatists were those dissenters from the established Church of England who actually wanted to separate from the church. The Pilgrims were separatists. But the Puritans did not want to separate from the Church of England. They wanted to purify the church and remain within it. Attempting to maintain a purified, established church in the American wilderness created difficult situations for Winthrop.

There were reasons why the control of separatist impulses was difficult. First, each Puritan was expected to become a member of the church through a personal conversion experience. These individual conversion experiences were judged by the congregation to insure true experiences were the only ones accepted. Second, each congregation was an independent body, organizing itself, calling its own minister, and judging the qualifications of its members. Given individual conversion experiences and independent congregations, it was difficult to maintain central religious authority in the colony.

Winthrop worried that if separatism prevailed, little groups of believers would splinter the religious community of the colony. Further, if separatism prevailed, the charter granted to the colony could be revoked by England.

Therefore, Governor Winthrop used the civil government, the state, to control the separatist religious impulse in Puritan Massachusetts. The congregations were independent, the conversion experience was an individual response, but the government of the colony could punish heresy as well as murder. The civil government was the centralizing agency that maintained the Puritan experiment against the pressures of separatism.

ACTIONS TAKEN IN THE COLONY OF MASSACHUSETTS BAY TO MAINTAIN CONFORMITY IN RELIGION

1636	Roger Williams leaves Massachusetts Bay for Rhode Island.
1637	Anne Hutchinson is charged with heresy and banished. She and her followers go to Rhode Island.
1646	Death is made the punishment for any person who denies the Holy Scriptures are the word of God.
1654	Penalties are established for Quakers who returned to the colony after being banished.
1659	Two Quakers are hanged on Boston Common after they returned after banishment.
1660	Celebration of Christmas is forbidden with fines provided as penalties.
1668	Three Baptists are sentenced to exile.
1691	A charter grants "...liberty of conscience to all Christians except Papists." Papists are Roman Catholics.

ACTIONS TAKEN IN THE STATE OF MASSACHUSETTS IN REGARD TO AN ESTABLISHED CHURCH

Bill of Rights 1780	"...the several towns...to make suitable provision, at their own expense, for the institution of the public worship of God and the support and maintenance of public Protestant teachers (ministers) of piety, religion, and morality." Dissenters could be excused from paying the tax to support the established church only if they could prove that they regularly attended a different denomination. They had to obtain a certificate of dissent. Witnesses were required in order to prove that the dissenters did indeed attend a dissenting church.
Bill of Rights 1833	"...And all religious sects and denominations ...shall be equally under the protection of the law;..."

PENNSYLVANIA CHARTER OF PRIVILEGES

October 28, 1701

FIRST

BECAUSE no People can be truly happy, though under the greatest Enjoyment of Civil Liberties, if abridged of the Freedom of their Consciences, as to their Religious Profession and Worship: And Almighty God being the only Lord of Conscience, Father of Lights and Spirits; and the Author as well as Object of all divine Knowledge, Faith and Worship, who only doth enlighten the Minds, and persuade and convince the Understandings of People, I do hereby grant and declare, That no Person or Persons, inhabiting in this province or Territories, who shall confess and acknowledge *One* almighty God, the Creator, Upholder and Ruler of the World; and profess him or themselves obliged to live quietly under the Civil Government, shall be in any Case molested or prejudiced, in his or their Person or Estate, because of his or their conscientious Persuasion or Practice, nor be compelled to frequent or maintain any religious Worship, Place or Ministry, contrary to his or their Mind, or to do or suffer any other Act or Thing, contrary to their religious Persuasion.

AND that all Persons who also profess to believe in *Jesus Christ*, the Savior of the World, shall be capable (notwithstanding their other Persuasions and Practices in Point of Conscience and Religion) to serve this Government in any Capacity, both legislatively and executively, he or they solemnly promising, when lawfully required, Allegiance to the King as Sovereign, and Fidelity to the Proprietary and Governor, and taking the Attests as now established by the Law made at *New-Castle*, in the Year *One Thousand and Seven Hundred*, entitled, *An Act directing the Attests of several Officers and Ministers*, as now amended and confirmed this present Assembly.

LIMITATIONS ON THE RIGHT TO HOLD OFFICE
IN THE THIRTEEN ORIGINAL STATES IN 1776

Massachusetts:	State office holders could not acknowledge any ecclesiastical authority such as existed in both the Roman Catholic and Church of England (Anglican) churches.
Connecticut:	The Governorship and membership in the state legislature were limited to Protestants.
New Hampshire:	High office holding was limited to Protestants.

(From The First Amendment. Copyright 1964 by William H. Marnell. Reprinted by permission of Doubleday & Co., Inc.)

Rhode Island:	No religious qualifications existed for office holding.
New York:	Foreign born inhabitants had to deny foreign church authority before citizenship could be granted. Only citizens could hold office.
New Jersey:	Protestants were granted the right to be elected to the legislature.
Pennsylvania:	Office holders had to take an oath of office that acknowledged The Old and New Testaments as of divine origin.
Delaware:	The oath of office required a declaration of belief in the Christian Trinity (Father, Son, Holy Spirit).
Maryland:	A declaration of belief in the Christian religion was required in order to hold office.
Virginia:	Office holding was not limited.
North Carolina:	Office holding was limited to Protestants who were not members of the clergy.
South Carolina:	The oath of office restricted membership in the legislature to Protestants.
Georgia:	Membership in the legislature was limited to Protestants.

THOMAS JEFFERSON

In his personal papers, Thomas Jefferson left directions for his memorial stone on his grave. A part of these instructions follows:

> ...on the faces of the Obelisk the following inscription, & not a word more
>
> 'Here was buried
> Thomas Jefferson
> author of the Declaration of American Independence
> of the Statute of Virginia for religious freedom
> & Father of the University of Virginia.'

Jefferson was extremely proud of his authorship of the Statute of Virginia for religious freedom. The second paragraph of that statute is given on the next page.

VIRGINIA STATUTE OF RELIGIOUS LIBERTY

January 16, 1786

...II Be it enacted by the General Assembly, that no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain their opinion in matters of religion, and that the same shall in no wise diminish, enlarge or affect their civil capacities.

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; ...

AMENDMENT XIV

SECTION 1. ...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

"IN GOD WE TRUST": FROM THE FOURTEENTH AMENDMENT

Guide Questions for Given Materials

Examine Engle v. Vitale.

- What was the "Regent's Prayer?"
- Why might a deeply religious person object to this prayer?
- Why might an agnostic object to this prayer?
- Why does Justice Black believe that government officials should not write or sanction prayers?
- Why does Justice Stewart dissent?
- Carefully determine the issues on which these two justices disagree. Why is it possible for two reasonable justices to disagree on this issue?

Examine Abington Township v. Schempp.

- Why will Justice Clark permit the study of the Bible as a secular subject in school?
- What will Justice Clark not permit?

- How are these cases an example of the separation of Church and State in America?
- Give examples from previous materials to indicate that this separation has been a gradual development in America.

Read the Washington Post clipping.

- Why are Neal Snyder's parents opposed to an autopsy?
- Why does the State of Maryland want an autopsy?
- What two values are in conflict on this issue?
- Why is the decision in this case a difficult one?

Suggestions for Student Contributions

Students could be asked to write their own decisions for one of the court cases presented. Such decisions could be as short as one paragraph, but each student should give at least one basic reason for his or her decision and support that reason.

Suggestions for Alternate Strategies and Materials

The section on THE CHANGING ROLE OF THE SCHOOLS (pages 22-41) from the New York State manual on *American Civilization in Historic Perspective: Education, Part II* could be used as additional source material for this topic. The reading on page 55 can be used to show how the separation between education and moral or religious training has been gradual.

Engel v. Vitale

370 U.S. 421 (June 25, 1962)

MR. JUSTICE BLACK delivered the opinion of the Court.

The respondent Board of Education of Union Free School District No. 9, New Hyde Park, New York, acting in its official capacity under state law, directed the School District's principal to cause the following prayer to be said aloud by each class in the presence of a teacher at the beginning of each school day:

> "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country."

This daily procedure was adopted on the recommendation of the State Board of Regents, a governmental agency created by the State Constitution to which the New York Legislature has granted broad supervisory, executive, and legislative powers over the State's public school system. These state officials composed the prayer which they recommended and published as a part of their "Statement on Moral and Spiritual Training in the Schools,"

saying: "We believe that this Statement will be subscribed to by all men and women of good will, and we call upon all of them to aid in giving life to our program." ...

We think that by using its public school system to encourage recitation of the Regents' prayer, the State of New York has adopted a practice wholly inconsistent with the Establishment Clause. ...

...we think that the constitutional prohibition against laws respecting an establishment of religion must at least mean that in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government.

It has been argued that to apply the Constitution in such a way as to prohibit state laws respecting an establishment of religious services in public schools is to indicate a hostility toward religion or toward prayer. Nothing, of course, could be more wrong. The history of man is inseparable from the history of religion. And perhaps it is not too much to say that since the beginning of that history many people have devoutly believed that "More things are wrought by prayer than this world dreams of." It was doubtless largely due to men who believed this that there grew up a sentiment that caused men to leave the cross-currents of officially established state religions and religious persecution in Europe and come to this country filled with the hope that they could find a place in which they could pray when they pleased to the God of their faith in the language they chose. And there were men of this same faith in the power of prayer who led the fight for adoption of our Constitution and also for our Bill of Rights with the very guarantees of religious freedom that forbid the sort of governmental activity which New York has attempted here. These men knew that the First Amendment, which tried to put an end to governmental control of religion and of prayer, was not written to destroy either. They knew rather that it was written to quiet well-justified fears which nearly all of them felt arising out of an awareness that governments of the past had shackled men's tongues to make them speak only the religious thoughts that government wanted them to speak and to pray only to the God that government wanted them to pray to. It is neither sacrilegious nor antireligious to say that each separate government in this country should stay out of the business of writing or santioning official prayers and leave that purely religious function to the people themselves and to those the people choose to look to for religious guidance. ...

The judgment of the Court of Appeals of New York is reversed and the cause remanded for further proceedings not inconsistent with this opinion.

Reversed and remanded.

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MR. JUSTICE STEWART, dissenting....

The Court today says that the state and federal governments are without constitutional power to prescribe any particular form of words to be recited by any group of the American people on any subject touching religion. The third stanza of "The Star-Spangled Banner," made our National Anthem by Act of Congress in 1931, contains these verses:

"Blest with victory, and peace, may the heav'n rescued land
Praise the Pw'r that hath made and preserved us a nation!
Then conquer we must, when our cause it is just,
And this be our motto 'In God is our Trust.'"

In 1954 Congress added a phrase to the Pledge of Allegiance to the Flag so that it now contains the words "one Nation *under God*, indivisible, with liberty and justice for all." In 1952 Congress enacted legislation calling upon the President each year to proclaim a National Day of Prayer. Since 1865 the words "IN GOD WE TRUST" have been impressed on our coins. ...

I do not believe that this Court, or the Congress, or the President has by the actions and practices I have mentioned established an "official religion" in violation of the Constitution. And I do not believe the State of New York has done so in this case. What each has done has been to recognize and to follow the deeply entrenched and highly cherished spiritual traditions of our Nation—traditions which come down to us from those who almost two hundred years ago avowed their "firm Reliance on the Protection of divine Providence" when they proclaimed the freedom and independence of this brave new world.

I dissent.

School District of Abington Township v. Schempp

374 U.S. 203 (June 17, 1963)

MR. JUSTICE CLARK delivered the opinion of the Court.

...the State contends...that the program is an effort to extend its benefits to all public school children without regard to their religious belief. Included within its secular purposes, it says, are the promotion of moral values, the contradiction to the materialistic trends of our times, the perpetuation of our institutions and the teaching of literature. The case came up on demurrer, of course, to a petition which alleged that the uniform practice under the rule had been to read from the King James version of the Bible and that the exercise was sectarian. The short answer, therefore, is that the religious character of the exercise was admitted by the State. But even if its purpose is not strictly religious, it is sought to be accomplished through readings, without comment, from the Bible. Surely the place of

the Bible as an instrument of religion cannot be gainsaid, and the State's recognition of the pervading religious character of the ceremony is evident from the rule's specific permission of the alternative use of the Catholic Douay version as well as the recent amendment permitting nonattendance at the exercises. None of these factors is consistent with the contention that the Pible is here used either as an instrument for nonreligious moral inspiration or as a reference for the teaching of secular subjects.

It is insisted that unless these religious exercises are permitted a "religion of secularism" is established in the schools. We agree of course that the State may not establish a "religion of secularism" in the sense of affirmatively opposing or showing hostility to religion, thus "preferring those who believe in no religion over those who do believe." *Zorach v. Clauson.* We do not agree, however, that this decision in any sense has that effect. In addition, it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistent with the First Amendment. But the exercises here do not fall into those categories. They are religious exercises, required by the States in violation of the command of the First Amendment that the Government maintain strict neutrality, neither aiding nor opposing religion. ...

AUTOPSY IS ORDERED ON YOUTH WHO DROPPED DEAD

By B.D. Colen

The State of Maryland wants to conduct an autopsy to determine why Neal Snyder, a healthy, active 18-year-old, suddenly dropped dead in his parents' Silver Spring home Monday evening.

Burnett and Lillian Snyder say they do not care how Neal died and only want to bury him immediately in accord with the tenets of their orthodox Jewish faith, before the state can "mutilate a beautiful body for no reason."

This afternoon, however, a four-judge panel of the Maryland Court of Special Appeals ruled that the state's compelling interest in determining the cause of Snyder's death, supersedes his religious beliefs and those of his parents, upholding a Montgomery County Circuit Court order allowing an autopsy.

The family's lawyer said they would appeal the decision today to the Court of Appeals, Maryland's highest court.

(From The Washington Post, January 23, 1976. Reprinted by permission.)

"Jewish law does not permit an autopsy except under the most unusual circumstances," said Rabbi Herzel Kranz, the rabbi of the Silver Spring Jewish Center, where the Snyders attend services.

Only to save the living can you mutilate the dead, said Kranz. "The burial should be immediate, the same day. Israel is probably the only country in the world where you have burials at night," he said, explaining Orthodox traditions that go back to Old Testament times.

Marcie Doctor, attorney for the Snyders, argued before the Court of Special Appeals that the family's constitutionally-protected right to practice their religion will be violated if an autopsy is performed.

But Assistant Maryland Attorney General Paul Walter apparently convinced the court — which has not yet issued an opinion explaining its decision — that the state's interest in determining whether Snyder was perhaps a victim of some rare communicable disease, or even foul play, takes precedent over the family's religious rights.

The circumstances surrounding Neal Snyder's death have been shrouded in mystery, pain and confusion.

Snyder had been in good spirits when he returned home from John F. Kennedy High School-Monday afternoon, his father said.

About 6:30 p.m. Snyder and his parents were in his parents' bedroom at the family's home on Layhill Road. "We were kidding around and I was testing out a new electric heater, It gave off a stench and he said 'I'm going to get out of here," remembered Burnett Snyder.

"He started to leave the room and slipped on the box the heater had been in and rolled onto the bed," said the elder Snyder, who added that his son did not hit his head or fall onto the floor.

As the young man got up off the bed he looked at his mother. According to his father, "The look in his eye said, 'Help, ma.' I think he was already in God's hands as he left the room. He walked into his bedroom and I heard him hit the floor. When I got there he was dead.

The young man's body was taken to Holy Cross Hospital and his parents were initially told there would not be any need for an autopsy and they made plans for a Tuesday funeral.

But then the Montgomery County medical examiner, Dr. John Rogers, told the couple there would have to be an autopsy.

During a hearing Tuesday before Montgomery County Circuit Judge David Cahoon the state contended that the autopsy was necessary because a youth in Gaithersburg had died earlier Monday under similarly mysterious circumstances. There was no contention that the death of Snyder and the young man were directly related, and Rogers told the court that if he had to fill out a death certificate at that time, he would say Snyder died of asphyxiation.

Today, however, Walter told the Court of Special Appeals that Rogers "made that up" and "there isn't the slightest indication what he died of."

The death of a son is always difficult for a family, but the talk of an autopsy and delay of burial makes this death especially painful for the Snyder family and their other son, who is a rabbinical student.

Because Neal Snyder's body lies in the Holy Cross morgue, he cannot have a shomer, or watchman. The shomer, said Rabbi Kranz, "watches over the body. In our law, when a person dies, the soul hovers over the body for three days. The deceased can hear anything for the first three days. Anybody can walk over to the individual and ask forgiveness" for things they may have done to him.

"The concept of the sanctity of the dead is tremendously important in the Jewish tradition," said Rabbi Kranz. "In the Old Testament," he said, "the high priest of Israel is not allowed to defile himself, even for his own family. But, if the priest should come across an unburied corpse he is allowed to defile himself to bury the corpse."

Speaking of his son today, Burnett Snyder said that Neal, who was planning to attend Montgomery County Junior College in the fall, "wanted to write. We have stories he's written, plays, poetry. . .

"We purchased a condominium in Gaithersburg, so it would be within a bus ride of (the college). But I cancelled the sale yesterday," said Snyder. "We don't need to go to Gaithersburg now."

IN GOD WE TRUST: WOMEN AND RELIGION

Guide Questions for Given Materials

Read the material on Anne Hutchinson.

- Describe the heresy of Anne Hutchinson.
- Why did Massachusetts Bay Colony believe it was necessary to banish Mrs. Hutchinson?

Examine the Seneca Falls Declaration of Sentiments and Resolutions. Note the resolutions that have to do with the place of women in regard to religion. This Seneca Falls Declaration is famous because of the resolution demanding the "...sacred right to the elective franchise."

- How do the other resolutions indicate that the rights demanded included more than the political right to vote?
- Which of the goals enumerated in the Resolutions have women achieved?
- Which goals have not yet been reached?

Time Magazine selected Alison Cheek as one of "A Dozen Who Made A Difference." These twelve women were selected to appear on the first cover of Time Magazine for the year 1976. Each year Time Magazine selects the most important figure of the previous year to appear on this first cover.

- Why were some women extremely pleased to have this cover devoted to twelve important American women?
- Why were some American women insulted by this cover?
- Give several reasons why you believe Alison Cheek was included as one of "A Dozen Who Made A Difference."

Suggestions for Alternate Strategies and Materials

Controversy over the position of women in various American churches should continue to be in the news. One student might like to keep a clipping file on a particular controversy.

ANNE HUTCHINSON

In March 1637, Anne Hutchinson and a few followers left the Massachusetts Bay Colony for Rhode Island. Four months before, she had been ordered banished by the legislative body of the colony, the General Court. Her sentence had been delayed until spring because of the weather and because she was pregnant.

Anne Hutchinson had been convicted of heresy. Specifically, she had been accused of preaching that faith alone was necessary for salvation. This particular heresy was known as Antinomianism. In the Established Church of the Massachusetts Bay Colony, a thin line existed between Antinomianism and Arminianism. Arminianism was the heresy that opposed the Calvinist doctrine of absolute predestination by acknowledging that human actions could win salvation. In Massachusetts Bay Colony, one was expected to prepare for the receiving of grace but the granting of grace did not depend upon human action. Grace was granted by God.

Anne Hutchinson held meetings in the home to discuss the sermons of a Reverend Mr. Cotton, a teacher in the Church of Boston. She emphasized the importance of faith in her comments on the sermons. Her followers grew too enthusiastic and suggested that certain of the ministers in the colony might emphasize the importance of "preparation" too much. She was brought to trial, and might have escaped banishment, except for her declaration that God revealed himself by the voice of his spirit to her soul. In Boston, such revelation had to come through the scriptures. Direct revelation was not accepted.

Mrs. Hutchinson was banished. She moved to Rhode Island, where Roger Williams had gone the year before.

THE SENECA FALLS DECLARATION OF SENTIMENTS AND RESOLUTIONS
July 19, 1848

1. DECLARATION OF SENTIMENTS

When, in the course of human events, it becomes necessary for one portion of the family of man to assume among the people of the earth a position different from that which they have hitherto occupied, but one to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes that impel them to such a course.

We hold these truths to be self-evident: that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed. ...

.....*Resolved,* That all laws which prevent women from occupying such a station in society as her conscience shall dictate, or which place her in a position inferior to that of man, are contrary to the great precept of nature, and therefore of no force or authority.

Resolved, That woman is man's equal—was intended to be so by the Creator, and the highest good of the race demands that she should be recognized as such.

Resolved, That the women of this country ought to be enlightened in regard to the laws under which they live, that they may no longer publish their degradation by declaring themselves satisfied with their present position, nor their ignorance, by asserting that they have all the rights they want.

Resolved, That inasmuch as man, while claiming for himself intellectual superiority, does accord to woman moral superiority, it is pre-eminently his duty to encourage her to speak and teach, as she has an opportunity, in all religious assemblies.

Resolved, That the same amount of virtue, delicacy, and refinement of behavior that is required of woman in the social state, should also be required of man, and the same transgressions should be visited with equal severity on both man and woman.

Resolved, That the objection of indelicacy and impropriety, which is so often brought against woman when she addresses a public audience, comes with a very ill-grace from those who encourage, by their attendance, her appearance on the stage, in the concert, or in feats of the circus.

Resolved, That it is the duty of the women of this country to secure to themselves their sacred right to the elective franchise.

Resolved, That the equality of human rights results necessarily from the fact of the identity of the race in capabilities and responsibilities.

Resolved, That the speedy success of our cause depends upon the zealous and untiring efforts of both men and women, for the overthrow of the monopoly of the pulpit, and for the securing to women an equal participation with men in the various trades, professions, and commerce.

Resolved, therefore, That, being invested by the creator with the same capabilities, and the same consciousness of responsibility for their exercise, it is demonstrably the right and duty of woman, equally with man, to promote every righteous cause by every righteous means; and especially in regard to the great subjects of morals and religion, it is self-evidently her right to participate with her brother in teaching them, both in private

and in public, by writing and by speaking, by any instrumentalities proper to be used, and in any assemblies proper to be held; and this being a self-evident truth growing out of the divinely implanted principles of human nature, any custom or authority adverse to it, whether modern or wearing the hoary sanction of antiquity, is to be regarded as a self-evident falsehood, and at war with mankind.

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ALISON CHEEK: Defiant Deacon

Boat rocking did not come easily to the Rev. Alison Cheek, 48, the Episcopal priest who is both a leader and a symbol in the women's drive for an active role in the clergy. "The Episcopal seminary was good to me," recalls Cheek. "It allowed me to extend my course over six years instead of three so that I could raise my four young children. It hired me as a biblical-language instructor, which eased the financial strain. But it took me forever to stop feeling grateful and start feeling outraged that I felt so grateful."

The transition became complete one spring day in 1972 when Cheek, then a deacon, attended the ordination of a young man. "Before the procession began, I was very pointedly told that only priests, not deacons, could participate in the ritual laying on of hands. I can still remember the embarrassment, rage and grief that surged through me as I stood alone in the pew while by brothers went up into the sanctuary to lay on hands."

Two years later Cheek heard about the planned ordination of women priests in Philadelphia and decided she should rather risk expulsion from the church than relive "the painful humiliation of categorical exclusion." Though the ordinations of Cheek and the ten other women deacons were declared invalid, the issue will not be finally resolved until the Episcopal Convention next September. Meanwhile, Cheek, who lives in Annandale, Va., with her husband, a World Bank executive, is happy about her "freedom in limbo." In November 1974, she became the first woman to celebrate Communion in an Episcopal church in defiance of the diocesan bishop, and last August was installed as assistant priest at the Church of St. Stephen and the Incarnation in Washington. Says she: "I am convinced that the only crime I have committed in this matter is to have been born female."

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"IN GOD WE TRUST:" A NATIONAL MORAL COMMUNITY

Guide Questions for Given Materials

Examine the selections from Lincoln's Second Inaugural Address.

- Why does Lincoln believe that the nation suffered from a Civil War?
- How do you see religious belief as an important part of Lincoln's character?
- How does his speech suggest a national moral goal?

Examine the section from Franklin Roosevelt's State of the Union Address.

- What does Roosevelt enumerate as the four freedoms?
- How might these be considered part of our national moral standard?

Read the "Letter from a Birmingham Jail."

- Why does Martin Luther King say he breaks unjust laws?
- How does he describe the difference between a just and an unfair law?
- How does he describe an unjust law?
- What is the difference between them?
- How does Martin Luther King say unjust laws must be broken?
- What historical examples does Martin Luther King give of civil disobedience?
- According to Martin Luther King, what is the goal of his campaign?
- How does he hope to meet his fellow clergymen?
- How might this letter be considered a part of our search for a national moral community?

Suggestions for Student Contributions

Students could be asked to identify at least one time in their lives that they felt they were in a moral dilemma. Some students may want to share these value conflict situations, others may prefer just to share the alternatives open to them. Some of these moral conflict situations may be so personal or so recent that students do not want to share them. Sharing the experience should be voluntary.

Suggestions for Alternate Strategies and Materials

This is an excellent place to begin work on the teaching of moral reasoning. A very good plan for the teacher who is just beginning to work with moral reasoning is found in the article, "Teaching Strategies for Moral Dilemmas" in Social Education for January 1975. The article, which begins on page 16, includes a step by step classroom strategy. The dilemma used is that of a Christian girl confronted by a decision to help or ignore a plea for help from a Jewish friend who is in danger in Nazi Germany. As this situation is one used as an historical example in Dr. King's letter, this particular dilemma can be very effectively tied to this topic.

The New York State Education Department would be interested in seeing other dilemmas developed by teachers.

SECOND INAUGURAL ADDRESS
ABRAHAM LINCOLN
March 4, 1865

...The Almighty has His own purposes. "Woe unto the world because of offenses; for it must needs be that offenses come, but woe to that man by whom the offense cometh." If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said, "The judgments of the Lord are true and righteous altogether."

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

STATE OF THE UNION ADDRESS
FRANKLIN D. ROOSEVELT
January 6, 1941

...In the future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms.

The first is freedom of speech and expression—everywhere in the world.

The second is freedom of every person to worship God in his own way—everywhere in the world.

The third is freedom from want—which, translated into world terms, means economic understandings which will secure to every nation a healthy peace time life for its inhabitants—everywhere in the world.

The fourth is freedom from fear—which, translated into world terms, means a worldwide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor—anywhere in the world.

...This nation has placed its destiny in the hands and heads and hearts of its millions of free men and women; and its faith in freedom under the guidance of God. Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain those rights or keep them. Our strength is in our unity of purpose.

To that high concept there can be no end save victory.

LETTER FROM BIRMINGHAM JAIL

April 16, 1973

MY DEAR FELLOW CLERGYMEN:

While confined here in the Birmingham city jail, I came across your recent statement calling my present activities "unwise and untimely." Seldom do I pause to answer criticisms of my work and ideas. If I sought to answer all the criticisms that cross my desk, my secretaries would have little time for anything other than such correspondence in the course of the day, and I would have no time for constructive work. But since I feel that you are men of genuine good will and that your criticisms are sincerely set forth, I want to try to answer your statement in what I hope will be patient and reasonable terms. ...

You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, at first glance it may seem rather paradoxical for us consciously to break laws. One may well ask: "How can you advocate breaking some laws and obeying others?" The answer lies in the fact that there are two types of laws: just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that "an unjust law is no law at all."

Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality.

(From Letter From A Birmingham Jail by Martin Luther King, Jr. Reprinted by permission from Harper and Row Publishers.)

It gives the segregator a false sense of superiority and the segregator a false sense of inferiority. Segregation, to use the terminology of the Jewish philosopher Martin Buber, substitutes an "I—it" relationship for an "I—thou" relationship and ends up relegating persons to the status of things. Hence segregation is not only politically, economically and sociologically unsound, it is morally wrong and sinful. Paul Tillich has said that sin is separation. Is not segregation an existential expression of man's tragic separation, his awful estrangement, his terrible sinfulness? Thus it is that I can urge men to obey the 1954 decision of the Supreme Court, for it is morally right; and I can urge them to disobey segregation ordinances, for they are morally wrong. ...

I hope you are able to see the distinction I am trying to point out. In no sense do I advocate evading or defying the law, as would the rabid segregationist. That would lead to anarchy. One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law.

Of course, there is nothing new about this kind of civil disobedience. It was evidenced sublimely in the refusal of Shadrach, Meshach and Abednego to obey the laws of Nebuchadnezzar, on the ground that a higher moral law was at stake. It was practiced superbly by the early Christians, who were willing to face hungry lions and the excruciating pain of chopping blocks rather than submit to certain unjust laws of the Roman Empire. To a degree, academic freedom is a reality today because Socrates practiced civil disobedience. In our own nation, the Boston Tea Party represented a massive act of civil disobedience.

We should never forget that everything Adolf Hitler did in Germany was "legal" and everything the Hungarian freedom fighters did in Hungary was "illegal." It was "illegal" to aid and comfort a Jew in Hitler's Germany. Even so, I am sure that, had I lived in Germany at the time, I would have aided and comforted my Jewish brothers. If today I lived in a Communist country where certain principles dear to the Christian faith are suppressed, I would openly advocate disobeying that country's antireligious laws. ...

Never before have I written so long a letter. I'm afraid it is much too long to take your precious time. I can assure you that it would have been much shorter if I had been writing from a comfortable desk, but what else can one do when he is alone in a narrow jail cell, other than write long letters, think long thoughts and pray long prayers?

If I have said anything in this letter that overstates the truth and indicates an unreasonable impatience, I beg you to

to forgive me. If I have said anything that understates the truth and indicates my having a patience that allows me to settle for anything less than brotherhood, I beg God to forgive me.

I hope this letter finds you strong in the faith. I also hope that circumstances will soon make it possible for me to meet each of you, not as an integrationist or a civil-rights leader but as a fellow clergyman and a Christian brother. Let us all hope that the dark clouds of racial prejudice will soon pass away and the deep fog of misunderstanding will be lifted from our fear-drenched communities, and in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty.

Yours for the cause of Peace and Brotherhood,

MARTIN LUTHER KING, JR.

A SENSE OF BELONGING: MOBILITY AND THE FAMILY

Guide Questions for Given Materials

Examine the materials on "A Family History." (The genealogy chart included takes about 15 minutes to put on the board. If the great-grandchildren are put on first, spacing the chart is easier. Leave room for the childless grandchildren, I, J, and L. The chart makes working with the material easier and more fun.)

Daughter #1.

- Why did Daughter #1 return to her father's house? How did her return create an extended family? Why did Daughter #1's own daughters not continue to live in an extended family?

Daughter #2.

- How did the lives of Daughter #2's two children differ? Give several reasons for the difference.

Daughter #3.

- How did the lives of Granddaughters F and G differ from the life of Granddaughter E? Compare the lives of Granddaughter G and Daughter #1.

Daughter #4.

- Compare the lives of Grandson H and Grandson I. Why do these lives differ? Explain why Daughter #4 has not lived in a nuclear family since she was nine.

Son #5.

- How does Grandson K show that he is part of a family tradition?

Son #6.

- How do the lives of Granddaughters L and M differ?
- Which two Grandchildren have been divorced? Have any members of the family who remained in Hometown or its vicinity been divorced?
- List the Grandchildren who finished college. How many of these children still remain in Hometown or its vicinity?
- List the Grandchildren who did not finish college. How many of these children still remain in Hometown or its vicinity?
- What two kinds of mobility affected this family?

- What advantages have the Grandchildren of this family gained? What advantages have the Grandchildren of this family lost?

- Which generation would you prefer to be a part of, the generation of the Daughters and Sons, or the generation of the Grandchildren? Explain your answer.

Suggestions for Student Contributions

Students could be asked to list the number of times their families have moved. Those who have moved a great deal might be asked to decide what is best and what is worst about moving. Those who have not moved might be asked to decide what is best and what is worst about staying in one place.

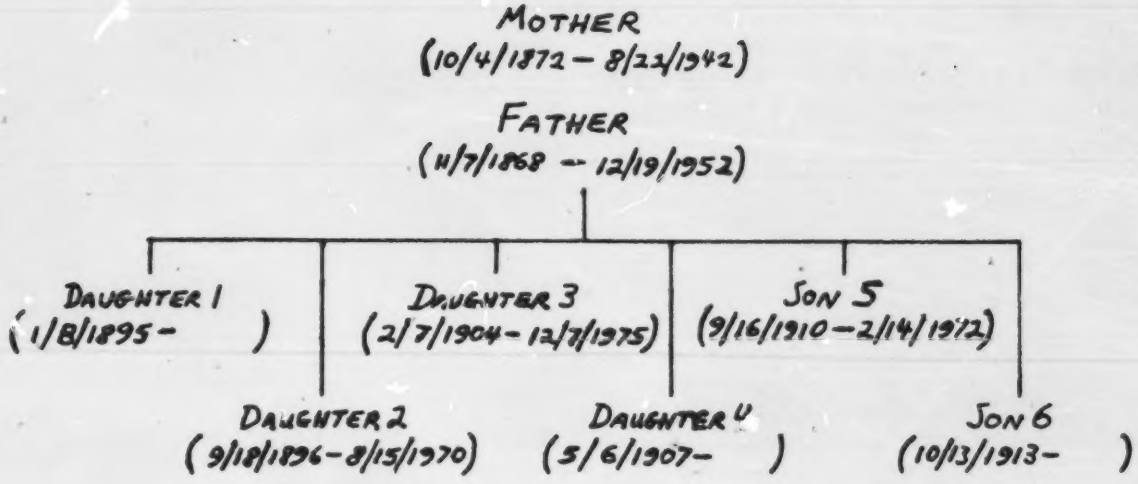
Students could be asked to plan a small community where the idea of community would be encouraged by the organization of streets, shops, houses, and apartments. When the plans are compared in class, students will be surprised to learn what some thought necessary and others did not even consider.

Suggestions for Alternate Strategies and Materials

Phonograph records may be brought in by either students or teacher to illustrate the mobility of Americans and their search for community. Many of our modern records emphasize this theme.

The teacher might try drawing a family tree to illustrate the concepts of mobility and community. This family tree is actually a disguised family of a classroom teacher.

The pamphlet "Social Mobility in the United States" prepared by Sociological Resources for the Social Studies as a part of the Episodes in Social Inquiry Series published by Allyn and Bacon, Inc. includes material that could be used effectively in this section.


MOTHER
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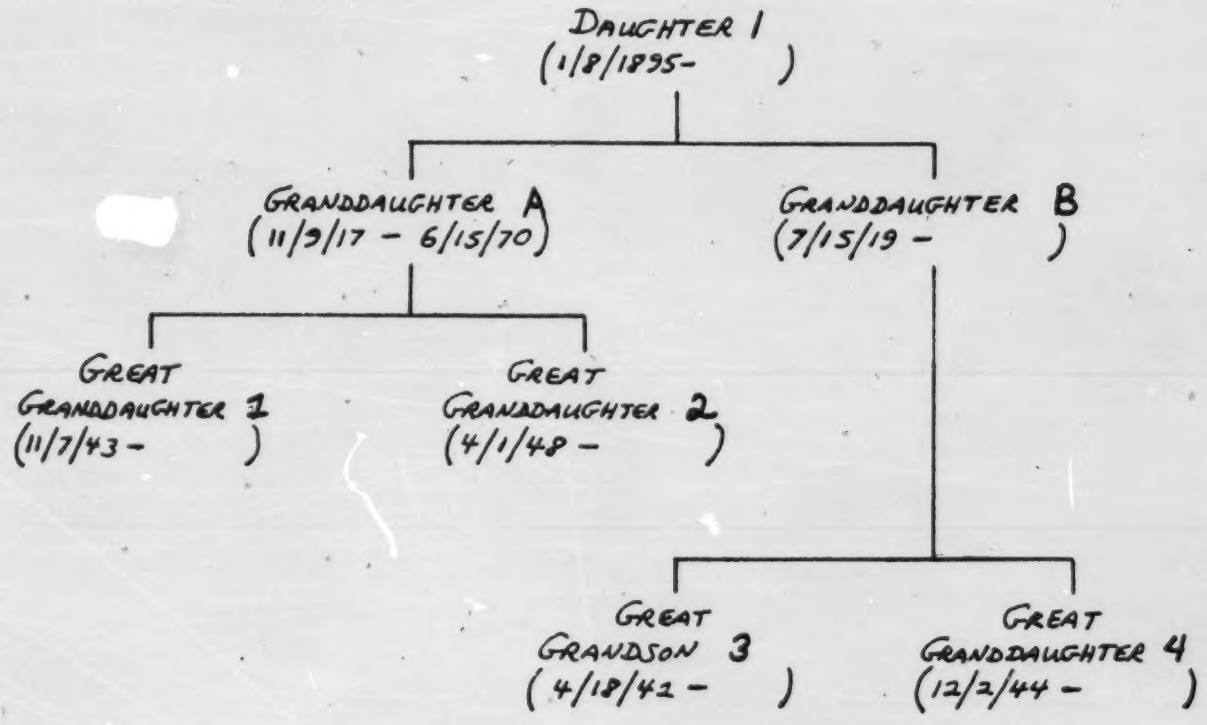
FATHER
(11/7/1868 – 12/19/1952)
DAUGHTER 1
(1/8/1895 –)
DAUGHTER 2
(9/18/1896 – 8/15/1970)
DAUGHTER 3
(2/7/1904 – 12/7/1975)
DAUGHTER 4
(5/6/1907 –)
SON 5
(9/16/1910 – 2/14/1972)
SON 6
(10/13/1913 –)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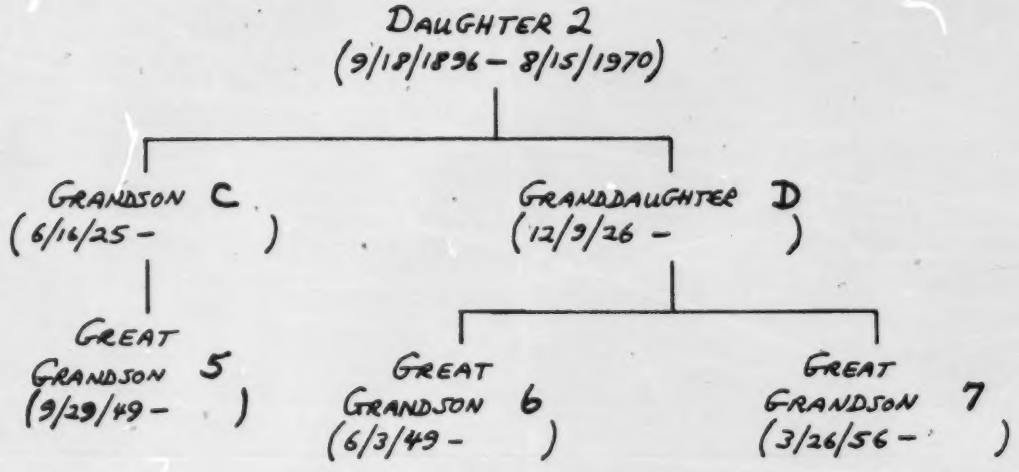
(1/8/1895-)
GRANDDAUGHTER A
(11/9/17 - 6/15/70)
GRANDDAUGHTER B
(7/15/19 -)
GREAT GRANDDAUGHTER 1
(11/7/43 -)
GREAT GRANDDAUGHTER 2
(4/1/48 -)
GREAT GRANDSON 3
(4/18/42 -)
GREAT GRANDDAUGHTER 4
(12/2/44 -)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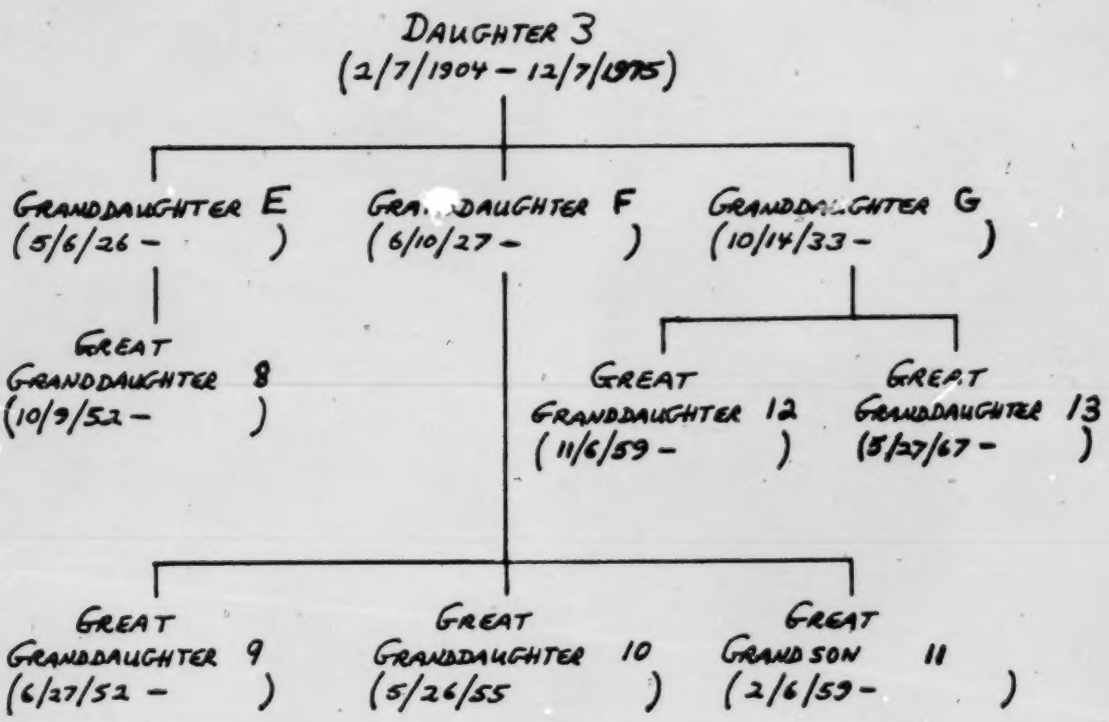
GRANDSON C
(6/16/25 -)
GRANDDAUGHTER D
(12/9/26 -)
GREAT GRANDSON 5
(9/29/49 -)
GREAT GRANDSON 6
(6/3/49 -)
GREAT GRANDSON 7
(3/26/56 -)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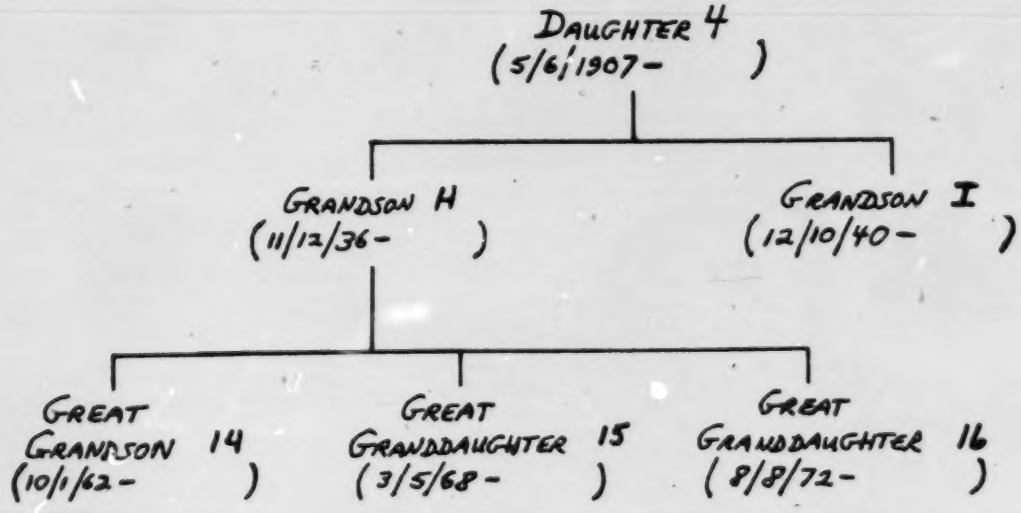
GRANDDAUGHTER E
(5/6/26 –)
GRANDDAUGHTER F
(6/10/27 –)
GRANDDAUGHTER G
(10/14/33 –)
GREAT GRANDDAUGHTER 8
(10/9/52 –)
GREAT GRANDDAUGHTER 12
(11/6/59 –)
GREAT GRANDDAUGHTER 13
(5/27/67 –)
GREAT GRANDDAUGHTER 9
(6/27/52 –)
GREAT GRANDDAUGHTER 10
(5/26/55)
GREAT GRANDSON 11
(2/6/59 –)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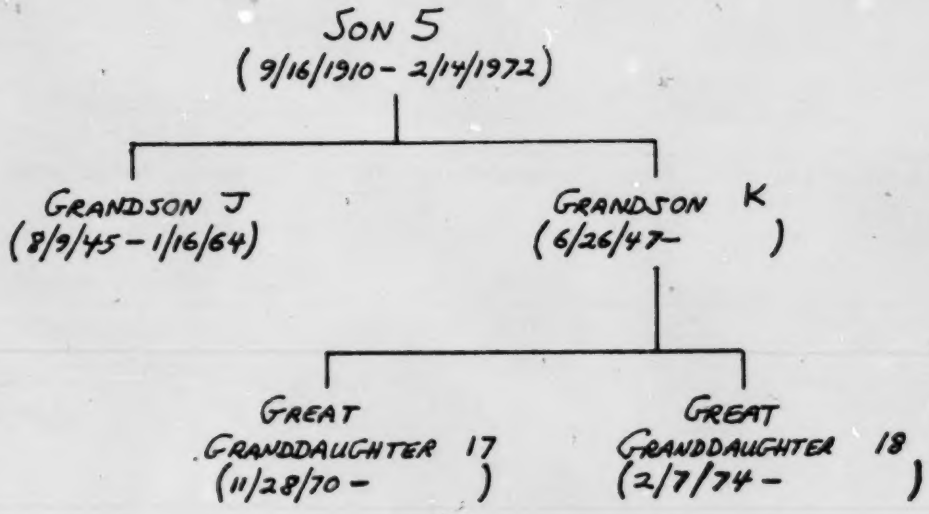
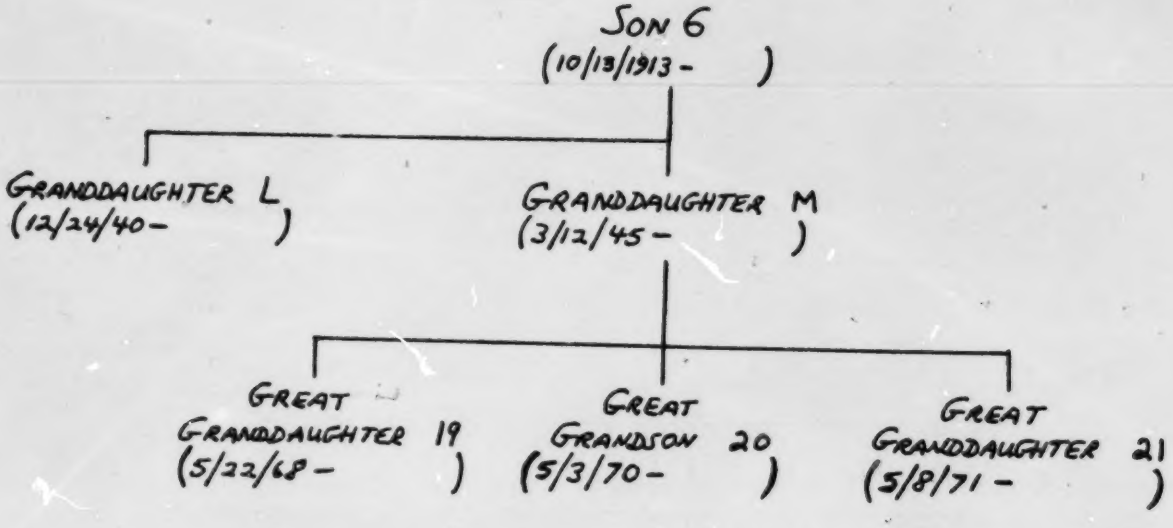
GRANDSON H
(11/12/36 –)
GRANDSON I
(12/10/40 –)
GREAT GRANDSON 14
(10/1/62 –)
GREAT GRANDDAUGHTER 15
(3/5/68 –)
GREAT GRANDDAUGHTER 16
(8/8/72 –)


SON 5
(9/16/1910 - 2/14/1972)
GRANDSON J
(8/9/45 - 1/16/64)
GRANDSON K
(6/26/47-)
GREAT GRANDDAUGHTER 17
(11/28/70 -)
GREAT GRANDDAUGHTER 18
(2/7/74 -)


SON 6
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GRANDDAUGHTER L
(12/24/40-)
GRANDDAUGHTER M
(3/12/45 -)
GREAT GRANDDAUGHTER 19
(5/22/68 -)
GREAT GRANDSON 20
(5/3/70 -)
GREAT GRANDDAUGHTER 21
(5/8/71 -)

A FAMILY HISTORY

This story is actually the true history of one family. Although the names have been omitted, the dates and the events are totally accurate. The parents of the six children described in the following episodes were the son and daughter of German immigrants. These particular parents were born in Canada, and immigrated to the United States to work shortly before they were married. All six children were born in the United States, in a town on the Canadian border called Hometown in this history. All six children were raised in Hometown. The six children have never lived anywhere except Hometown. The two sisters and one brother who are now dead lived in Hometown until their deaths. The two sisters and one brother still living continue to live in Hometown.

Daughter #1

Daughter #1 left school to go to work when she was fourteen. After several years of work, she married a man of English extraction. Her American-German father disapproved. When her husband died suddenly, Daughter #1 was left with one small child. She was pregnant with a second. At her mother's insistence, she was permitted to return home to live. Daughter #1's two girls were raised as a part of her own father's household. In fact, as Daughter #1 found it necessary to return to work as a dry goods clerk in order to support herself and her two children, much of the child care responsibility was taken over by Daughter #1's mother.

After Daughter #1's older daughter, Granddaughter A, finished high school, she married a soldier. She spent the years of World War II following him around the United States as he moved from army camp to army camp. Their first daughter was born during this period. After the war, the family returned to a house in a suburb of Upstate City. Upstate City is a large, industrial city about twenty-five miles from Hometown. Her husband, a reserve army officer, accepted a job as an office worker, but his employment was frequently interrupted by periods of illness connected to a wartime back injury. Here a second daughter was born. Both of these daughters are now grown and married. Both still live in the vicinity of Upstate City, both have children, and both have continued to work at part-time office jobs.

Daughter #1's younger daughter, Granddaughter B, married an office worker in a Hometown company. They raised their son and daughter in a suburb of Hometown. The son, a college graduate, is now married and still lives close to Hometown. The daughter, also a college graduate, married and moved to another area of the state.

Daughter #2

Daughter #2 married and moved into a small apartment in Hometown. Although Daughter #2 and her husband moved from time to time, they never left Hometown.

Daughter #2's older child, her only son, Grandson C, ran away from home at seventeen and joined the United States Navy. He served on a PT Boat during World War II. Immediately after the war, he met and married a girl from Pennsylvania. They lived for a time on the outskirts of Hometown, very close to the house of Son #6. Despite a strong desire to remain in Hometown, Grandson C was eventually forced to move his family to California in order to find work. He had been trained as a plumber but work was so slow during several winters in Hometown that a move was an economic necessity. Grandson C's only son married a California girl. Since the death of Daughter #2, this California family seldom travels back to Hometown.

Daughter #2's daughter, Granddaughter D, married a local insurance salesman and remained in Hometown. Their first son graduated from a state college in Upstate City. He married a dental technician who continued to work while he trained as a supervisor of grounds. After living for a time in a different area of the state, they returned to a house in a suburb of Upstate City. The second son still lives at his parents' home in Hometown. He works in a local factory on the same assembly line as his mother. Granddaughter D herself just received her high school diploma through an equivalency test.

Daughter #3

Daughter #3 was the first sister to graduate from high school. Early in her marriage, she lived with her husband and three daughters in Upstate City. After her mother's death, she returned to her father's house with her family. Until her father's death, Daughter #3 took care of "Pa." She raised her family in the same house in which she herself had been raised.

Daughter #3's oldest daughter, Granddaughter E, was a "slow learner" who did not finish high school. She married a man considerably older than she. They remained in Hometown in a house only two blocks from the old family home were she was raised. Granddaughter E's only daughter finished college before marrying a fellow student. She now works in the library of the local university.

Daughter #3's second daughter, Granddaughter F, was the first member of the family to graduate from college. She was graduated from the state college in Upstate City. After teaching for a year, she married a fellow church member who was a salesman for a national company. They had three children before the family was transferred from Hometown. During the growing years of these children, the family spent most of the time in Utah. Although both

of Granddaughter F's daughters started college, neither finished. Both married Utah men, and both continue to live and work in Salt Lake City.

Daughter #3's youngest daughter, Granddaughter G, was also graduated from the state college in Upstate City. After working for the telephone company for a short time, she married her high school sweetheart, an engineer. After several moves, he was permanently located in Cincinnati. Shortly after a second daughter was born, this couple separated. They are now divorced. Granddaughter G is raising her girls all by herself in Cincinnati. She has returned to school to become a librarian.

Recently Daughter #3 died. Granddaughters F and G returned to Hometown for their mother's funeral, but they could not leave their families for long. Now their own father stays alone in the house where their mother kept house for "Pa."

Daughter #4

Daughter #4 worked as a secretary for a number of years before she married a devoted member of the family church. The responsibility of her husband's mother had delayed their marriage, and, immediately after their honeymoon, the young couple moved into the husband's mother's house in Hometown. They assumed the payments on the mortgage. They still live in this house.

The older of their two sons, Grandson H, was an excellent student. Offered a scholarship at a leading eastern engineering school, he remained at this technical institute until he was granted a PhD. During his years as a graduate student, he married a wealthy girl from Iowa. They moved to the west coast and later to Colorado where he was granted tenure as a professor. After two children, this marriage was ended in divorce. Grandson H then married again and had another child. Grandson H, all three children, and the first and present wives all remain in Colorado.

The younger son, Grandson I, went to college for one year and then left school. He still lives with his parents in Hometown. He has been unemployed for the past ten years.

The household of Daughter #4 also includes her sister, Daughter #1. In 1948, Daughter #4's mother-in-law died, leaving her son the house they had shared. Immediately a room was made available for Daughter #1. She has been in the household ever since.

Son #5

Son #5, the fifth child and the first son of the family, spent the years of World War II as a member of a construction battalion. A carpenter, like his father before him, he returned to Hometown, married, and had two sons. He established his family

in a house directly across the street from his father's house. His widow still lives alone in the house. Directly across the street, the husband of Daughter #3 also lives alone.

The older son of Son #5, Grandson J, was killed in an automobile accident the year he was to have been graduated from high school. The second son, Grandson K, went to college for a year and then decided to follow his father's calling. This third generation carpenter is now living in a suburb of Hometown with his wife and two little girls.

Son #6

The last child, Son #6, graduated from high school and went to work as a meter reader in the middle of the Great Depression. Eventually he worked his way into a middle management position in a local company. He married a girl from one of the old farming families whose farms ring Hometown. They had two girls and lived in a house on the edge of his wife's family farm.

The older daughter, Granddaughter L, went to a small eastern girl's college on a scholarship and then received a Master's Degree at a large eastern university. A high school teacher in Hometown before her marriage, she and her engineer husband now move too frequently for her to keep a permanent teaching position. Currently they are living in Virginia.

The younger daughter, Granddaughter M, went to a church-related college and then transferred to the university in Hometown in order to be close to her Hometown beau. Married, with three children, she now lives in a suburb of Upstate City. She continues to work part-time as an intensive care nurse.

A SENSE OF BELONGING: TRADITION AND FAMILY

Guide Questions for Given Materials

Read the selection from *In One Era and Out the Other.*

- Who was Rebecca Levenson?
- Why was the prayer of mourning important?
- What ritual surrounded the death of Sam Levenson's mother?
- How did this tradition help the family?
- How does Sam Levenson's account of the wedding ceremony suggest a sense of community?
- How does Sam Levenson suggest that tradition will be carried down to his new granddaughter?
- How does Sam Levenson use humor to lighten his discussion of tradition?

Suggestions for Student Contributions

Students might share the most important of their family traditions with the class. These might be holiday traditions or a particular family way of performing a daily routine.

Suggestions for Alternate Materials and Strategies

Most ceremonial events in the life of a family are photographed. Sometimes movies are even made. If photographs or movies of some particular traditional family ceremonies can be obtained, or brought in by the teacher, these might be shown to the class. If materials are volunteered by students, parental permission is necessary. A safe place to keep the materials is equally vital.

The second on SOCIAL CONTROL (pages 118-150) from the New York State manual on *American Civilization in Historic Perspective: Part I* could be used as additional source material for this topic.

> The major celebrants of the ritual were now all gathered under the canopy. Step by step the rabbi proceeded to marry us. He told us why we were there, read the marriage certificate first in Aramaic then in English, welcomed us unto the House of Israel, and had me say the Hebrew equivalent of "With this ring I thee wed," told us to go forth and multiply, had me offer to share my worldly goods (my worldly what?) with my bride, had us sip wine from the same goblet, had us lower our heads and pronounced the ancient priestly blessing upon us: "May the Lord bless you and keep you, may the Lord let His countenance shine upon you and be gracious unto you, and bring you peace." Then, our heads still
>
> (From In One Era and Out the Other by Sam Levenson. Copyright (c) 1973 by Sam Levenson. Reprinted by permission of SIMON & SCHUSTER, INC.)

bowed, he went on to: "O God, full of compassion, Thou who dwellest on high! Grant perfect rest beneath the sheltering wings of Thy presence, among the holy and pure who shine as the brightness of the firmament, unto the soul of the departed Rebecca Levenson, who has gone into eternity. Lord of mercy, bring her under the cover of Thy wings, and let her soul be bound up in the bond of eternal life. Be Thou her possession, and may her repose be peace. Amen."

I didn't know whether tradition or Papa had called for it, but there it was, a prayer of mourning for Mama, who was no longer with us. My brothers and sister knew that Mama was the bond that tied us all together. Yet none of us, not even Papa, had had the courage to mention the word "Mama" that day. It was Papa who had asked for the prayer. Was it possible that after all these years he was declaring his love for Mama, that his public "love shmove" was only a cover-up for his private embarrassment? I left my bride, walked over to Papa, and put my arms around him. He kissed me for the first time in my life, and we broke into tears. We, who had hardly ever talked together, were now crying together.

We had walked together once. Neither of us had forgotten.

It was shortly after my Bar Mitzvah. Papa and I were alone in the house the day Mama died. It was Friday morning, always a stressful time for a Jewish woman, who had to purify her home for the arrival of the Sabbath, which they called "the Bride." Death knew where to find Mama any Friday morning—on her knees washing the floor. And that was where she died. Following ancient orthodox ritual, a group of elderly women were called in to wash Mama's body and put her to rest on the floor, some candles near her head.

After the family was called together (brother Joe, the doctor, signed her death certificate), she was placed in a hearse, which carried her to the steps of Papa's synagogue, from which the rabbi wailed some verses beseeching God's mercy. The hearse then proceeded down the block. No one told us to, but we did what we had seen done before. Tradition. We lined up behind the hearse in a funeral cortege, Papa and I first, behind us the family.

It was summer. The sun was shining. I could not understand how the sun could shine in such darkness. Birds sang gayly from the telephone wires. I hated the sunshine and I hated the birds. The sidewalks were lined with neighbors, mostly women in their stained aprons also caught in the middle of preparing for the Sabbath, knowing they had been spared for now, sobbing and pointing at me: "Left over, a child, a child, a child." As I walked behind the slowly moving black wagon, my head bowed down, I saw fragments of my childhood coming toward me from between the wheels, chalk drawings of hearts, baseball bases, boxes for hopscotch, crisscrosses of ticktacktoe,

parts of tops and checkers. Out of nowhere, or perhaps from somewhere where the sun had some reason to shine and birds to sing, a rubber ball came bouncing between the wheels. It hit the inside of one wheel and was sent spinning against the opposite wheel, back and forth, picking up momentum with each bump, seeming to be no only unaware of danger but leaping back again and again for more, taunting the wheels. Then at the height of its joyousness a soft pop, a squish, and it lay there baby pink on the inside, gashed on the outside. Its last breath rose gently to my nostrils. It was the smell of death. I knew that the time had come for me to put away the things of my childhood. That day I became a man.

At the funeral brother Mike dropped some petals on Mama's pinewood coffin. Flowers at a funeral were against tradition, but no one objected, not even Papa.

When we got home, one of the neighbors brought out a pitcher of water. Tradition. We washed death off our hands and went back to life. Sister Dora turned to Albert and me. "You'll have to be good on your own now. Nobody's ever gonna yell at you again." She asked us all to wait while she went into the house and finished washing Mama's floor.

Papa wrote the inscription for the tombstone: INSEPARIBLE IN LIFE AND DEATH.

Misspelled forever.

I left Papa still crying and went back to complete the wedding ceremony, which from this point on became inaudible because of the mass lamentation in the hall. Even the trio was crying. There was only one more ritual act left for me to perform, to smash a small wine glass under my heel as a reminder again of the fragility of human happiness. I pulverized the glass with one loud scrunch, the drummer hit the cymbal, and joy took over. Mazel tov! Mazel tov! Mazel tov! Mazel tov! ...The musicians caught the beat, and the crowd was off and dancing in the aisle before we could make our way back. ...

While I was writing this book our first grandchild arrived, Georgia, daughter of Conrad and Isabella. When I first heard her cry I remembered my own first-born's first night at home with us. He cried all night, and we didn't know what to do about it. Esther read through pages and pages of Dr. Spock trying to find out what makes babies cry. Grandma was standing in the doorway. We wouldn't allow her into the room because she might spread germs. She reluctantly kept her distance but tossed us the best advice on child-rearing we have ever had: "Put down the book and pick up the baby." That's just what I am going to do right after I finish this little note to Georgia.

Georgia baby:

We leave you a tradition with a future. The tender loving care of human beings will never become obsolete.

People, even more than things, have to be restored, renewed, revived, reclaimed, and redeemed, and redeemed, and redeemed ...Never throw out anybody.

Remember, if you ever need a helping hand, you'll find one at the end of your arm. As you grow older you will discover that you have two hands. One for helping yourself, the other for helping others. While I was growing up I took as many hands as I gave. I still do.

Your good old days are still ahead of you. May you have many of them.

At our age we doubt whether we will make it to your wedding, but if you remember us on that day, we shall surely be there. Mazel tov...mazel tov...mazel tov... .

A SENSE OF BELONGING: THE AMERICAN CHILD

Guide Questions for Given Materials

Examine In Re Gault.

- A writ of habeas corpus would have made it necessary for the State of Arizona to release Gerald from the State Industrial School. If the Supreme Court of Arizona agreed to the dismissal of this writ, where would Gerald remain?
- If the Supreme Court of the United States reversed the decision of the Supreme Court of Arizona, what would happen to Gerald?

Section I.

- Before reading Section I, examine the list of rights given at the end of the section. As you read Section I, look for examples of how these rights were violated.

Section II.

- Why were juvenile courts established?
- What is a kangaroo court?
- What was Gerald's punishment? How would it have been different if he had been over 18?

Sections III, IV, V, and VI.

- What does the Court say about each of the specific rights mentioned at the end of Section I?
- Do you agree with the decision of the Supreme Court?

- Why do the rights of children need protection in America?
- How has the community, the society as a whole, moved to protect the rights of the individual American child?
- How would the strengthening of a sense of community in America affect the American child?

Suggestions for Student Contributions

In the light of the materials discussed in this entire unit, students might consider some goals for their own futures as parents of children. They might consider the dilemma of raising a child to be an individual in a changing society while giving the child a sense of belonging. They might suggest some ways in which their own parents have coped with this very difficult situation. They might evaluate some of the support mechanisms they would attempt to use in the rearing of their own children. Hopefully, our students will begin to realize what a complex problem it is to raise children in American and will be better prepared for the difficult job of being a parent.

Suggestions for Alternate Strategies and Materials

Students might investigate the alternatives available to children when the nuclear family or the single parent can no longer provide care for the child. Students might note whether the protective institutions they study have as a goal the return of the child to the family, and if the return to the family situation is a goal, how the institution works to achieve that goal.

Speakers are usually available from local societies for the prevention of child abuse. Be careful to screen the films provided. They can be too horrifying for student viewing.

The Fall 1974 issue of the Bill of Rights Newsletter published by the Constitutional Rights Foundation is devoted to "The Rights of Children." This publication is in most schools, but the address for ordering the issue is 609 South Grand Avenue, Suite 1012, Los Angeles, California, 90017.

APPLICATION OF PAUL L. GAULT AND MARJORIE GAULT,
FATHER AND MOTHER OF GERALD FRANCIS GAULT, A MINOR,
APPELLANTS

Argued Dec. 6, 1966
Decided May 15, 1967

Mr. Justice FORTAS delivered the opinion of the Court.

This is an appeal from a judgment of the Supreme Court of Arizona affirming the dismissal of a petition for a writ of habeas corpus.... . The petition sought the release of Gerald Francis Gault, appellants' 15-year-old son, who had been committed as a juvenile delinquent to the State Industrial School by the Juvenile Court of Gila County, Arizona. The Supreme Court of Arizona affirmed dismissal of the writ against various arguments which included an attack upon the constitutionality of the Arizona Juvenile Code because of its alleged denial of procedural due process right to juveniles charged with being "delinquents." ... It concluded that the proceedings ending in commitment of Gerald Gault did not offend those requirements. We do not agree, and we reverse. We begin with a statement of the facts.

I

On Monday, June 8, 1964, at about 10 a.m., Gerald Francis Gault and a friend, Ronald Lewis, were taken into custody by the Sheriff of Gila County. Gerald was still then subject to a six month's probation order which had been entered on February 25, 1964, as a result of his having been in the company of another boy who had stolen a wallet from a lady's purse. The police action on June 8 was taken as the result of a verbal complaint by a neighbor of the boys, Mrs. Cook, about a telephone call made to her in which the caller or callers made lewd or indecent remarks. ...

At the time Gerald was picked up, his mother and father were both at work. No notice that Gerald was being taken into custody was left at the home. No other steps were taken to advise them that their son had, in effect, been arrested. Gerald was taken to the Children's Detention Home. When his mother arrived home at about 6 o'clock, Gerald was not there. Gerald's older brother was sent to look for him at the trailer home of the Lewis family. He apparently learned then that Gerald was in custody. He so informed his mother. The two of them went to the Detention Home. The deputy probation officer, Flagg, who was also superintendent of the Detention Home, told Mrs. Gault "why Jerry was there" and said that a hearing would be held in Juvenile Court at 3 o'clock the following day, June 9.

Officer Flagg filed a petition with the court on the hearing day, June 9, 1964. It was not served on the Gaults. Indeed, none of them saw this petition until the habeas corpus hearing of August 17, 1964. ...

On June 9, Gerald, his mother, his older brother, and Probation Officers Flagg and Henderson appeared before the Juvenile

Judge in chambers. Gerald's father was not there. He was at work out of the city. Mrs. Cook, the complainant, was not there. No one was sworn at this hearing. No transcript or recording was made. No memorandum or record of the substance of the proceedings was prepared. Our only information about the proceedings and of the proceedings of a subsequent hearing on June 15, depends entirely upon the testimony of the Juvenile Court Judge, Mr. and Mrs. Gault, and Officer Flagg at the habeas corpus proceeding conducted two months later. From this habeas corpus testimony, it appears that at the June 9 hearing Gerald was questioned by the judge about the telephone call. There was conflict as to what he said. His mother recalled that Gerald said he had dialed Mrs. Cook's number and handed the telephone to his friend, Ronald. Officer Flagg recalled that Gerald admitted making the lewd remarks. Judge McGhee testified that Gerald admitted making one of these lewd statements. At the conclusion of the hearing, the judge said that he would "think about it." Gerald was taken back to the Detention Home. He was not taken to his own home with his parents. On June 11 or 12, after having been detained since June 8, Gerald was released and driven home. There is no explanation in the record as to why he was held in the Detention Home or why he was released. At 5 p.m. on the day of Gerald's release, Mrs. Gault received a paper signed by Officer Flagg. It was plain paper, not letterhead. Its entire content was as follows:

> Mrs. Gault:
>
> Judge McGhee has set Monday, June 15, 1964 at 10:00 A.M. as the date and time for further Hearings on Gerald's delinquency.
>
> /s/ Flagg

At the appointed time on Monday, June 15, Gerald, his father and mother, Ronald Lewis and his father, and Officers Flagg and Henderson were present before Judge McGhee. Witnesses at the habeas corpus proceeding differed in the recollections of Gerald's testimony at the June 15 hearing. Mr. and Mrs. Gault recalled that Gerald again testified that he had only dialed the number and that the other boy had made the remarks. Officer Flagg agreed that at this hearing Gerald did not admit making the lewd remarks. But Judge McGhee recalled that "there was some admission again of some of the lewd statement. He-he didn't admit any of the more serious lewd statements." Again the complainant, Mrs. Cook, was not present. Mrs. Gault asked that Mrs. Cook be present "so she could see which boy that done the talking, the dirty talking over the phone." The Juvenile Judge said "she didn't have to be present at the hearing." The judge did not speak to Mrs. Cook or communicate with her at any time. Probation Officer Flagg had talked to her once - over the telephone on June 9.

At this June 15 hearing a "referral report" made by the probation officers was filed with the court, although not disclosed to Gerald or his parents. This listed the charge as "Lewd Phone

Calls." At the conclusion of the hearing, the judge committed Gerald as a juvenile delinquent to the State Industrial School "for the period of his minority (that is, until 21), unless sooner discharged by due process of law." An order to that effect was entered. ...

No appeal is permitted by Arizona law in juvenile cases. On August 3, 1964, a petition for a writ of habeas corpus was filed with the Supreme Court of Arizona and referred by it to the Superior Court for hearing.

At the habeas corpus hearing on August 17, Judge McGhee was vigorously cross-examined as to the basis for his actions. ...

The Superior Court dismissed the writ and appellants sought review in the Arizona Supreme Court.

The Arizona Supreme Court handed down an elaborate and wide-ranging opinion confirming the dismissal of the writ. ... The Appellants urge that we (the Supreme Court of the United States) hold the Juvenile Code of Arizona invalid on its face or as applied in this case because, contrary to the Due Process Clause of the Fourteenth Amendment, the juvenile is taken from the custody of his parents and committed to a state institution pursuant to proceedings in which the Juvenile Court has virtually unlimited discretion, in which the following basic rights are denied:

1. Notice of the charges;
2. Right to counsel;
3. Right to confrontation and cross-examination;
4. Privilege against self-incrimination;
5. Right to a transcript of the proceedings; and
6. Right to appellate review.

II

...It is urged that the juvenile benefits from informal proceedings in the court. The early conception of the Juvenile Court proceeding was one in which a fatherly judge touched the heart and conscience of the erring youth by talking over his problems, by paternal advice and admonition, and in which, in extreme situations, benevolent and wise institutions of the State provided guidance and help "to save him from a downward career." Then, as now, goodwill and compassion were admirably prevalent. ...

Ultimately, however, we confront the reality of that portion of the Juvenile Court process with which we deal in this case. A boy is charged with misconduct. They boy is committed to an institution where he may be restrained of liberty for years. ...

In view of this, it would be extraordinary if our Constitution did not require that procedural regularity and the exercise of care implied in the phrase "due process." Under our Constitution, the condition of being a boy does not justify a kangaroo court. ...

If Gerald had been over 18, he would not have been subject to Juvenile Court proceedings. For the particular offense immediately involved, the maximum punishment would have been a fine of $5 to $50, or imprisonment in jail for not more than two months. Instead, he was committed to custody for a maximum of six years. If he had been over 18 and had commited an offense to which such a sentence might apply, he would have been entitled to substantial rights under the Constitution of the United States as well as under Arizona's laws and constitution. The United States Constitution would guarantee him rights and protections with respect to arrest, search, and seizures, and pretrial interrogation. It would assure him of specific notice of the charges and adequate time to decide his course of action and to prepare his defense. He would be entitled to clear advice that he could be represented by counsel, and, at least if a felony were involved, the State would be required to provide counsel if his parents were unable to afford it. If the court acted on the basis of his confession, careful procedures would be required to assure its voluntariness. If the case went to trial, confrontation and opportunity for cross-examination would be guaranteed. So wide a gulf between the State's treatment of the adult and child requires a bridge sturdier than mere words, and reasons more persuasive than cliche can provide. ...

III

Notice of Charges

...Notice, to comply with due process requirements, must be given sufficiently in advance of scheduled court proceedings so that reasonable opportunity to prepare will be afforded, and it must "set forth the alleged misconduct with particularity." It is obvious, as we have discussed above, that no purpose of shielding the child from the public [disgrace] of knowledge of his having been taken into custody and scheduled for hearing is served by the procedure approved by the court in this case. ...Due process of law requires notice of the sort we have described - that is, notice which would be considered constitutionally adequate in a civil or criminal proceeding. It does not allow a hearing to be held in which a youth's freedom and his parents' right to his custody are at stake without giving them timely notice, in advance of the hearing, of the specific issues that they must meet. Nor, in the circumstances of this case, can it reasonably be said that the requirement of notice was waived.

IV

Right to Counsel

...We conclude that the Due Process Clause of the Fourteenth Amendment requires that in respect of proceedings to determine delinquency which may result in commitment to an institution in which the juvenile's freedom is curtailed, the child and his parents must be notified of the child's right to be represented by counsel retained by them, or if they are unable to afford counsel, that counsel will be appointed to represent the child. ...

V

Confrontation, Self-Incrimination, Cross-Examination

...The "confession" of Gerald Gault was first obtained by Officer Flagg, out of the presence of Gerald's parents, without counsel and without advising him of his right to silence. ... The judgment of the Juvenile Court was stated by the judge to be based on Gerald's admissions in court. Neither "admission" was reduced to writing, and, to say the least, the process by which the "admissions," were obtained and received must be characterized as lacking the certainty and order which are required of proceedings of such formidable consequences. Apart from the "admission," there was nothing upon which a judgment or finding might be based. There was no sworn testimony. Mrs. Cook, the complainant, was not present. The Arizona Supreme Court held that "sworn testimony must be required of all witnesses including police officers and others who are part of or officially related to the juvenile court structure." We hold that this is not enough. No reason is suggested or appears for a different rule in respect of sworn testimony in juvenile courts than in adult courts. Absent a valid confession adequate to support the determination of the Juvenile Court, confrontation and sworn testimony by witnesses available for cross-examination were essential for finding of "delinquency" and an order committing Gerald to a state institution for a maximum of six years. ...

VI

Appellate Review and Transcript of Proceedings

...This Court had not held that a State is required by the Federal Constitution "to provide appellate courts or a right to appellate review at all." In view of the fact that we must reverse the Supreme Court of Arizona's [agreement] with the dismissal of the writ of habeas corpus for other reasons, we need not rule on this question in the present case or upon the failure to provide a transcript or recording of the hearings - or indeed, the failure of the Juvenile Judge to state the grounds for his conclusion.

...As the present case illustrates, the consequences of failure to provide an appeal, to record the proceedings, or to make findings or state the grounds for the Juvenile Court's conclusion may be to throw a burden upon the machinery for habeas corpus, to saddle the reviewing process with the burden of attempting to reconstruct a record, and to impose upon the Juvenile Judge the unseemly duty of testifying under cross-examination as to the events that transpired in the hearing before him. ...

Judgment reversed. ...